Members in Attendance:
Michael Schlein; Clerk Marilyn Bentley; Penny Reed; Denise Pope; Kenneth Krach; Janelle Straszheim; Cody Corcelius; Nick D'Ambrosia; Michael Kasnic; Alex Montanio; Richard Adams; Frieda McWilliams; Rodney Ritter; Kathie Connelly; David Shean; Marquita Lewis

Members of the Public in Attendance:
Samantha Budzyn; Mindy Lehman; Michol Bobb; Lindsay Rowe; Alex Scheifler

Welcome
Michael Schlein, Co-Chair, called the meeting to order at 2:14PM. He welcomed everyone to the seventh, and final, meeting of the 2018 Notary Work Group.

Introductions
Attendance was taken by Michael Schlein and a quorum was established.

Review of Minutes from September 11, 2018 Meeting
Michael Schlein, Co-Chair, asked the Work Group members if everyone reviewed the October 9, 2018 minutes. Members acknowledged they did. He asked if there were any edits. No edits were suggested. Michael Schlein asked if there was a motion to approve the minutes. Nick D'Ambrosia made a motion to approve. Denise Pope seconded the motion. Michael Schlein asked members to vote. The motion to approve the minutes was passed unanimously.

Liability including: Record Keeping/Privacy/Liability of the Notary Final Report:
Liability Subgroup member, Michael Schlein, reported on behalf of Reporter, Toby Musser. A summary of the overall recommendations of the subgroup were provided; read from the subgroup's final report. The liability subgroup believes that a notary should comply with existing laws regarding privacy and data security, especially if kept electronically. The subgroup also believes that bonding or errors and omissions insurance could provide protection to the notaries and the public but the cost of having a bond or errors and omissions insurance could exclude some from becoming notaries. There should also be well-defined record requirements so as to limit a notary's liability if their transaction complies with the law. There should be digital services for notaries to help them keep and store documents irrespective of a notary's existence; including a fund for someone to store a notary's records if they cease acting as a notary. The subgroup also believes that the statutory requirement to disclose a notary's home address should be removed; a business address should be acceptable for a public record. The Secretary of State can still collect a home address of notaries but only disclose them if no business address is provided. The Secretary of State should also publish a notary directory to make it easy to find a notary.

Michael Schlein invited comments from the Work Group. There were no comments.

Michael Schlein asked the Identity Management Subgroup to present their report.

Identity Management including: Fees/Expenses/Necessary Tools:
Identity Management Subgroup Member, Michael Schlein, reported on behalf of Reporter, Lydia Williams. A summary of the overall recommendations of the subgroup were provided; read from the subgroup's final report. The subgroup believes there should be an increase in the fee a notary can charge if there are new requirements; however, the maximum fee a notary can charge should be limited to a set amount. The subgroup discussed identification protocol and believes that Maryland should better specify what it means to satisfactorily identify a signer and provide guidance. The subgroup also believes that the law should better establish record keeping protocol; including what exact records must be kept, how they must be kept, and for how long they must be kept. The subgroup also concluded that a notary applicant would have to pay more to become a notary (a justification for raising the fee a notary can charge) in order to account for their education and testing.

Michael Schlein invited comments from the Work Group.

Denise Pope expressed support for the bound record keeping requirement.

Michael Schlein discussed calls received by the Secretary of State regarding record keeping requirements. Frequent questions are received about what items must be kept, how they must be kept, and for how long they must be kept.

Michael Schlein asked the Enforcement Subgroup to present their report.

Enforcement including: (including remote mechanisms) /Registration/Name Changes:

Enforcement Subgroup Reporter, Alex Montanio, summarized their work. Suggestions are as follows:
1. Clarify that a Notary's seal is a public seal as defined in the Criminal Law Article of the Annotated Code.
2. A list of reasons to remove someone for "good cause" should exist but that it should be limited to the violations of the law that occur most while leaving it open to the Secretary of State to remove someone at their discretion for something not on the list. The list of things for which someone could be removed is as follows:
    a. Providing untrue information on an application;
    b. Not keeping a record;
    c. Failing to witness the signature of a signer;
    d. Failing to identify the signer properly;
    e. Charging excessive fees;
    f. Conviction of a felony or crime involving fraud, dishonesty, and deceit;
    g. Any other violation of the notary law or related regulation promulgated by the Secretary of State.
    The list was intentionally not made too specific. The intent is to highlight some regularly occurring issues, which provides an educational benefit, without limiting the Secretary of State to a specific list of items for which they can remove someone.
3. Require a notary that is convicted of a felony to report their conviction to the Secretary of State within 10 days from conviction or release from incarceration.
4. Outsource background checks to companies that handle this work for efficiency and consistency.
5. Develop guidelines for reviewing applications and backgrounds for any office (including Senators' offices) involved in the approval of an application; bring more consistency and fairness to approving an application.
6. Ensure that information about reporting a violation by a notary is easily found on the Secretary of State website.

Michael Schlein invited comments from the Work Group. There were no comments.

Michael Schlein asked the Remote Notarization Subgroup to present their report.

Remote Notarizations including: Cost of Technology/Financial Transactions

Remote Notarization Subgroup Reporter, Nick D'Ambrosia, summarized their work. A final report was sent to the work group via email. He stated that the state should move forward with remote notarizations. The National Association of Realtors voted recently to support remote notarizations; this is in addition to the Mortgage Bankers Association recommendations. There is information on the subject for the Secretary of State to take and implement but that it could take up to two years to enact remote notarizations.

Michael Schlein invited comments from the Work Group.

Michael Schlein asked if any remote notarization process from one state was better than others.

Nick D'Ambrosia: The subgroup reviewed various processes and did not conclude that one is better than others. However, the subgroup did believe that remote notarizations can ensure the integrity of the notarization. The issue of duress was discussed, as in how to ensure any duress is detected by a remote notary. Training is available to assist notaries in reading body language and using their equipment to detect duress.

Michael Schlein: Training will be key for remote notarizations.

Ken Krach: If we go this route, it is a radical change, and we'll need to get all principal groups on board before going forward with legislation. It is possible that remote notarizations has jurisdictional issues.

Michael Schlein: Need to address jurisdictional issues in any potential law.

Bill O'Connell: Asked if Nick could change the document so that instead of saying "at least 2 years" to implement remote notarizations that it say "up to 2 years". Bill referenced other states in which it took much less time to implement than 2 years.

Michael Schlein asked the Education and Testing Subgroup to present their report.

Education and Testing
Education and Testing Subgroup Reporter, Kathie Connelly, provided a summary of the recommendations from their subgroup report. The subgroup believes that education and testing is necessary for both a new applicant and a renewal. She shared that who bears the cost of education and testing must be figured out; that the Secretary of State would need funding and infrastructure to enact education and testing. She said that additional funding and infrastructure is truly needed for any of the ideas being discussed. The educational requirement should vary depending on whether someone is a new applicant or renewing; with a new applicant being required to take a longer class than someone renewing as a notary. Training is best delivered online and as part of the application or renewal process. Better tools are needed to educate the public about notaries. The cost of educating notaries should be passed on to those notaries whereas educating the public can be done with existing resources.

Michael Schlein invited comments from the Work Group.

Denise Pope: Education should be geared towards online education since it is most cost-effective.

Michael Schlein: Agreed that online education is most cost-effective but recommending online training does not prevent us from offering in-person education options; some people prefer in-person training over online training if it is available.

Denise Pope: Agreed that in-person training options could be utilized but that the person would likely need to pay more than the online training.

Recommendations:
Michael Schlein asked if there are any recommendations from the group at this time or if the work group as a whole wishes to make a motion to endorse the subgroup reports.

Janelle Straszheim made a motion to endorse the subgroup reports.

Denise Pope seconded the motion from Janelle Straszheim.

Michael Schlein sought vote on the motion; unanimously approved.

Questions/Comments:
Michael Schlein: Asked the work group if there were any additional questions or comments.

Denise Pope: You will want to enact legislation over time. Some of these things can be done as things currently exist but other items will require legislation.

Frieda McWilliams: Suggested using the legislation as an opportunity to obtain the necessary funding.

Michael Schlein: Agreed that funding must accompany legislation for any of these topics that require legislation to enact. Funding must occur to enact most of these changes.

Michael Schlein read a note of gratitude from *Assistant Secretary Smith, Chair*; and also thanked the group himself for their work and dedication to this topic.

Michael Schlein invited comments from the public. None were made.

Adjournment:
Michael Schlein, Co-Chair, thanked everyone for their efforts.

The meeting adjourned at 3:10 P.M.